

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff(s),	)	
	)	2:10-cr-121-RLH-RJJ
vs.	)	
	)	MINUTES OF THE COURT
BRETT DEPUE,	)	
	)	February 7, 2012
Defendant(s) .	)	
_____	)	

THE HONORABLE ROGER L. HUNT UNITED STATES DISTRICT JUDGE  
COURTROOM ADMINISTRATOR KANDY CAPOZZI COURT REPORTER HEATHER NEWMAN  
COUNSEL FOR PLAINTIFF(S) BRIAN PUGH; SARAH GRISWOLD  
COUNSEL FOR DEFENDANT(S) BRETT DEPUE (pro se); MACE YAMPOLSKY (standby)

MINUTES OF PROCEEDINGS: **JURY TRIAL (Day Two - Jury Selection)**

The Court convenes at 8:34 a.m. Defendant is present. FBI agent Steven Konrad is present with the Government.

**OUTSIDE THE PRESENCE OF THE JURY:** Ms. Griswold requests the Court reconsider its ruling and admonishments given to Mr. Depue regarding self-representation. Arguments are heard.

The Court instructs Mr. Depue that he will be permitted to argue about his testimony in his closing argument and inquires if this ruling changes his mind about proceeding with Mr. Yampolsky as counsel.

The Court goes off the record from 8:45 a.m. to 8:49 a.m. to permit Mr. Depue to consult with his attorney outside the courtroom.

Mr. Yampolsky informs the Court that Mr. Depue has decided to represent himself and that he will act as standby counsel. He requests the Court reconsider its prior ruling and permit counsel to resume representation if Mr. Depue determines during the course of the trial that he is unable to represent himself. Mr. Yampolsky inquires if the Court would consider allowing him to act as co-counsel.

Mr. Pugh requests the Court reserve its ruling on whether or not Mr. Yampolsky would be allowed to resume representation.

The Court will not permit Mr. Yampolsky to participate as co-counsel, but will defer ruling as to whether or not he may reenter the trial as counsel.

The Court canvasses Mr. Depue and he confirms that it is his decision to represent himself.

**The jury enters at 9:04 a.m.**

The Court informs the jury of Mr. Depue's decision to represent himself and his right to do so. The Court further explains that Mr. Yampolsky has been appointed as standby counsel to assist Mr. Depue.

The Court concludes the preliminary instructions.

Mr. Pugh gives the Government's opening statement.

The Court recesses from 10:11 a.m. to 10:32 a.m.

Mr. Depue gives an opening statement.

Evidentiary Stipulation Number 1, Evidentiary Stipulation Number 2, and Evidentiary Stipulation Number 3 are marked as Government's exhibits 101, 102 and 103 (respectively) and admitted into evidence. Government's exhibits identified in Evidentiary Stipulations Numbers 1 and 2 (with Exhibit 49 as modified in Stipulation Number 2) are marked and admitted into evidence. Ms. Griswold reads Evidentiary Stipulations 1 and 2 (Government's exhibits 101 and 102) into the record.

Mr. Pugh calls **RUSSELL M. DALTON** to the stand. The witness is sworn, examined, cross-examined and excused.

Ms. Griswold calls **DANIEL JONES** to the stand. The witness is sworn and examined.

The Court recesses from 11:59 a.m. to 12:34 p.m.

A jury note is discussed at sidebar. It is agreed no action need be taken at this time.

**Mr. Jones** is cross-examined and excused.

Ms. Griswold calls **ROZANNA RIETA** to the stand. The witness is sworn, examined and excused.

Mr. Pugh calls **BEATRICE DELGADILLO** to the stand. The witness is sworn, examined and excused.

Ms. Griswold calls **CASSIDY J. COTTEN** to the stand. The witness is sworn and examination commences.

**IT IS HEREBY ORDERED the trial in this matter shall continue WEDNESDAY, FEBRUARY 8, 2012 at 8:30 a.m.**

The jury is admonished and the Court adjourns at 2:31 p.m.

LANCE S. WILSON, CLERK  
U.S. DISTRICT COURT

BY: /s/ Kandy Capozzi  
Courtroom Administrator